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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,378	06/12/2006	Doron Korman	13004.1020	5907
35856 7590 06/09/2010 SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC Two Ravinia Drive Suite 700 ATLANTA, GA 30346				
EXAMINER				
GOYTEA, OLUSEGUN				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
06/09/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,378

Applicant(s)

KORMAN, DORON

Examiner

OLUSEGUN GOYEA

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 26-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date ____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 3 recites the limitation, "providing an over the counter (OTC) prescription depending on the foreign country requirements." However, there is no support for this limitation in the specification.

Applicant's specification discloses that the medical staff in the call center may respond to the communication with the traveling subscriber by offering a prescription in the local language for a medication or by identifying an appropriate over the counter medication. This advantageously simplifies the interaction of the traveler with a pharmacist in the foreign country. [paragraph 0018]

In addition, Applicant's specification teaches that the prescription database 240 provides or provides access to a plurality of prescriptions in various languages for pharmacy issued drugs as well as over the counter medication. In addition, prescription

database 240 may have a database of drugs that are used all over the world. The drugs may be over the counter (OTC) drugs or drugs that need prescription (RX drugs). The prescription database 240 can also be used for drug consultation, such as identifying side effects of a drug, drug incompatibility and instructions regarding how the drug should be administered (i.e., on an empty stomach, without alcohol, etc.). The traveler that receives a prescription for an unknown drug from a local doctor can then identify a call center 120, contact a doctor associated with the call center and consult with the doctor regarding the type of the unknown medicine. [paragraph 0050]

From the above paragraphs, there is no support that "providing an over the counter (OTC) prescription" depends on "the foreign country's requirements."

Applicant is respectfully requested to point out portions of the disclosure that shows support for the above limitation. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US 20030013438 (Darby).

Referring to **claim 1**, Darby discloses a method and system for delivering medical assistance to a traveler while visiting in a foreign country, the traveler utilizing a client system, the method comprising the steps of:

displaying one or more selection buttons on a display of the client system, each selection button being associated with at least one type of medical assistance, the medical assistance being provisioned in at least two different languages and being associated with at least two countries; [see paragraph 0021, 0042 (lines 14-33), 0047 (lines 6-17), 0061 (lines 13-25)]

receiving a selection of one of the selection buttons; sending a request to a server; and [see paragraph 0042 (lines 14-33), 0047 (lines 6-17)]

the server delivering the medical assistance associated with the selected button in the selected language and customized based on the selected country. [see paragraph 0042 (lines 14-33), 0047 (lines 6-17), claims 22 & 62]

Referring to **claim 4**, Darby discloses the method and system as applied in the rejection of claim 1 above, wherein the client system and server system communicate via the Internet and the step of sending the request to the server comprises sending the request over the Internet. [see paragraph 0023, 0024, 0026, 0027]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030013438 (Darby).

Referring to **claim 2**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby does not explicitly disclose the limitations:

wherein the step of delivering the medical assistance comprises selecting medical assistance from a group consisting of:

providing information on medical services in the foreign country,
translating a prescription to the foreign language,
translating medical information of the traveler into the foreign language,
delivering a medical referral in the foreign language,
providing online medical consulting in a preferred language of the traveler, and
providing online drug consultation in a preferred language of the traveler.

However, the system according to Darby teaches that the maps, directions, and other display contents are in the native language of the end-user (Japanese in the tourist example above), and can also be bi-lingual (in both the end-user's language and the local language in the visited country), to facilitate asking bystanders for assistance. Display of two or more languages is selectable by the end-user. The functional details of the use of a Pocket Part described in the preceding travel industry embodiment are equally applicable to other end-user segments (e.g., sales force automation, engineering, construction, medical, manufacturing, legal, etc.). [see paragraph 0047 (lines 6-17)]

In addition, Darby teaches that a Pocket Part can be used to permit medical staff at or networked with a Call Center to participate in delivering medical services at the scene of an accident or natural disaster. A Pocket Part used with air or water navigation services can assist aviators and sailors in distress. Emergency medicine use of a Pocket Part normally involves data transmission of vital signs of injured persons and high data rate videoconferencing (since accurate color information and high resolution are important in medical diagnoses). [see paragraph 0061 (lines 13-25)]

Therefore, it would be obvious to one of ordinary skill in the art that the system of Darby can be used to obtain and deliver medical information to a traveler in a foreign or local language in a foreign country, without undue experimentation, or risk of unexpected results.

Referring to **claim 3**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby does not explicitly disclose the limitation: wherein the at least one type of medical assistance includes providing an over the counter (OTC) prescription depending on the foreign country requirements.

However, the system according to Darby teaches that the maps, directions, and other display contents are in the native language of the end-user (Japanese in the tourist example above), and can also be bi-lingual (in both the end-user's language and the local language in the visited country), to facilitate asking bystanders for assistance. Display of two or more languages is selectable by the end-user. The functional details of the use of a Pocket Part described in the preceding travel industry embodiment are equally applicable to other end-user segments (e.g., sales force automation, engineering, construction, medical, manufacturing, legal, etc.). [see paragraph 0047 (lines 6-17)]

In addition, Darby teaches that a Pocket Part can be used to permit medical staff at or networked with a Call Center to participate in delivering medical services at the scene of an accident or natural disaster. A Pocket Part used with air or water navigation services can assist aviators and sailors in distress. Emergency medicine use of a Pocket Part normally involves data transmission of vital signs of injured persons and high data rate videoconferencing (since accurate color information and high resolution are important in medical diagnoses). [see paragraph 0061 (lines 13-25)]

Therefore, it would be obvious to one of ordinary skill in the art that the system of Darby can be easily modified to provide over the counter prescription information to a

traveler in a foreign or local language in a foreign country, without undue experimentation, or risk of unexpected results.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030013438 (Darby), as applied to claim 1 above, and further in view of US 20040140898 (Reeves).

Referring to **claim 5**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby does not explicitly disclose the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article.

However, Reeves teaches a system with the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article. [see paragraph 0004, 0005, 0008, 0023]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to Darby to have incorporated the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for

the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article, in accordance with the teachings of Reeves, in order to obtain medical information about a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 6**, Darby discloses the method and system as applied in the rejection of claim 5 above. But Darby does not explicitly disclose the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, or key-holder with a medical plate and a sticker.

However, Reeves teaches a system with the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, or key-holder with a medical plate and a sticker. [see paragraph 0004, 0005, 0007, 0008]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to Darby to have incorporated the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, or key-holder with a medical plate and a sticker, in accordance with the teachings of Reeves, in order to obtain medical information about a person or traveler in case of a medical emergency, since so

doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 7**, Darby discloses the method and system as applied in the rejection of claim 5 above. But Darby does not explicitly disclose the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password.

However, Reeves teaches a system with the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password. [see paragraph 0004, 0005, 0008, 0015, 0023 – *The bodily worn device contains a unique serial number used to access medical information of the person from a central website.*]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to Darby to have incorporated the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password, in accordance with the teachings of Reeves, in order to obtain medical information about a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030013438 (Darby), as applied to claim 1 above, and further in view of US 4803625 (Fu et al. – hereinafter referred to as Fu).

Referring to **claim 8**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby does not explicitly disclose the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and transferring the certain medical measurements to the server.

However, Fu teaches a system with the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and transferring the certain medical measurements to the server. [see col. 5, lines 6-26;]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to Darby to have incorporated the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and transferring the certain medical measurements to the server, in accordance with the teachings of Reeves, in order to obtain vital medical parameters

about a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claims 26-29**, they contain similar limitations as set forth in claims 1, 4, 5, 6 and 8, and therefore are rejected based on the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEGUN GOYEA whose telephone number is (571)270-5402. The examiner can normally be reached on Monday through Thursday, 8:00am to 5:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. G./
Examiner, Art Unit 3687
06/05/2010

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687